



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

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Municipal Boundary Review

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September 14, 2015

Keith Bosman, Mayor
City of Kenosha
625 52nd Street, Room 300
Kenosha, WI 53140

Ben Harbach, Chair
Town of Somers
900 - 100th Avenue
Kenosha, WI 53144

**RE: Approval of First Amendment to the City of Kenosha and Town of
Somers Cooperative Boundary Plan**

Gentlemen:

The Department of Administration has received your request for review and approval of the First Amendment to the City of Kenosha and Town of Somers Cooperative Boundary Plan under s. 66.0307 Wis. Stats., which was originally approved by the Department on August 8, 2005. Hereinafter this First Amendment is referred to as the "First Amendment" while the original cooperative boundary plan agreement is referred to as the "Agreement". With this letter the Department is approving your First Amendment.

Section 66.0307 (8), Wis. Stats., enables parties to a cooperative boundary plan agreement to amend their agreement and submit it to the Department for approval. This First Amendment was adopted by resolution by the City of Kenosha on June 22, 2015 and by the Town of Somers on June 17, 2015. It was submitted to the Department for review and approval on July 25, 2015. Because your First Amendment does not make changes to the boundaries agreed to in the Agreement, nor does it change the duration of the Agreement, it is considered by s. 66.0307(8) Wis. Stats. to be an expedited amendment. As such, it does not require a public hearing unless a written objection is made. No written objection was received by any of the municipal participants, so a public hearing was not required.

The purpose of this First Amendment is to facilitate the jurisdictional transfer of specified road segments from Kenosha County to the City of Kenosha. These road segments would have ultimately transferred to the City pursuant to the Agreement no later than August 8, 2035. However, this amendment will accelerate the transfer of the road segments to the City immediately upon the Department's approval of this First Amendment.

The road segments to be transferred immediately are County Highways G, K, N, and S, which are shown by the color maps and legal descriptions contained in Attachments K-1 through N-2.

Furthermore, it is the intent of the parties that this First Amendment impacts only the transferring road segments. The parties do not intend for this First Amendment to change or impact any other Agreement provisions.

Section 4 of this First Amendment instructs the City Clerk/Treasurer to file the attachment ordinance with the Kenosha County Register of Deeds, Office of the Secretary of State, and any affected school districts. However, the parties should be aware that the recently approved 2015-17 Wisconsin State Budget Act has changed the process for filing municipal boundary changes. Changes are now to be filed with the Department of Administration rather than with the Secretary of State's Office.

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The language of this First Amendment is clear and unambiguous, and does not disturb the Agreement's compatibility with the Department's review and approval standards found in s. 66.0307 (5), Wis. Stats. Therefore, pursuant to authority granted under s. 66.0307 (5) (a), Wis. Stats., the Department of Administration hereby **APPROVES** this First Amendment to the City of Kenosha and Town of Somers Cooperative Boundary Plan Agreement.

If we can be of any further assistance to you, or should you have any questions concerning this approval letter, please feel free to call me at (608) 267-1824. Congratulations on a successful conclusion of your efforts.

Sincerely,



Ed Eberle, Administrator

Division of Intergovernmental Relations

Cc: Edward Antaramian, City Attorney
Jeffrey Davidson, Town Attorney
Deb Salas, City Clerk
Timothy L. Kitzman, Town Clerk